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Type of Instrument: JUDGMENT OF FORECLOS

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Recorded: 1/8/2019

Index Number: 14 65896 Sequence Number: 130

Plaintiff(s) :

SUN WEST MORTGAGE COMPANY, INC.,

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Defendant(s) :

PUBLIC ADMINISTRATOR OF SUFFOLK COUNTY AS ADMINISTRATOR OF THE E/O ROB
ERT RUSSELL GOLDER, SR A/K/A R

Attorney(s) :

TAX_MAP_NO:

Liber Page(s):
M00021819-636

ADDITIONAL INFORMATION EXISTS PLEASE SEE DOCUMENT
THIS PAGE IS A PART OF THE INSTRUMENT
THIS IS NOT A BILL

Judith A. Pascale
County Clerk, Suffolk County

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At an IAS Part 49 of the Supreme Court of the State of New York, held in and for the County of Suffolk at the Courthouse, thereof, Supreme Court Building, ~~1 Court Street, Riverhead, New York~~ 400 Carleton Avenue, Central Islip NY 11722 on the 12th day of December, 2018.

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PRESENT: HON. JOSEPH A. HINRICHS

Honorable _____,

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SUPREME COURT THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

----------X

SUNWEST MORTGAGE COMPANY, INC. Index No: 065890/14

Plaintiff.

-against-

PUBLIC ADMINISTRATOR OF SUFFOLK COUNTY AS ADMINISTRATOR OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER
ROBERT GOLDER, JR. AS HEIR AT LAW, NEXT OF KIN AND DISTRIBUTEE OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER
JONATHAN GOLDER AS HEIR AT LAW, NEXT OF KIN AND DISTRIBUTEE OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER
FRANK GOLDER AS HEIR AT LAW, NEXT OF KIN AND DISTRIBUTEE OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER104
SECRETARY OF HOUSING AND URBAN DEVELOPMENT
INTERNAL REVENUE SERVICE-UNITED STATES OF AMERICA
NEW YORK STATE DEPARTMENT OF

No Directive

JUDGMENT OF FORECLOSURE AND SALE

Mortgaged Premises:
92 Sunset Road
Bay Shore, New York 11706

ENTERED: JAN 0 8 2019
AT: 1:37 pm

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TAXATION AND FINANCE- TAX
COMPLIANCE DIVISION- C.O.-ATC

Defendants.

----------X

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Upon the summons and complaint filed herein on July 28, 2014 and notice of pendency of action previously filed herein on July 28, 2014 and on the supplemental Summons with Notice, Amended Complaint and Amended Lis Pendens filed on February 21, 2017, and on the attorney's statement of Jennifer L. Hernandez-Weiss, Esq., dated September 8, 2017, demonstrating that all of the defendants have been duly served with the summons and complaint herein and the affidavits of service of the defendant previously filed herein, and upon the Order entered herein on April 12, 2018 appointing Justin N. Lite, Esq., as referee to ascertain and compute the amount due to the plaintiff pursuant to the note and mortgage and to protect the lien of said mortgage, and to examine and report whether the mortgage premises can be sold in parcels; and

Upon reading and filing the report of the referee dated September 10, 2018 from which report it appears that the sum of $510,635.49 was due to plaintiff, as of August 1, 2018, on the note and mortgage described in the complaint, and that the mortgaged premises should be sold in one parcel; and

Upon reading and filing the affidavit of regularity of Deana Cheli, Esq. sworn to on September 25, 2018, demonstrating that all of the defendants have been duly served with the summons and complaint herein and the affidavits of service of the defendant previously filed herein, from which it appears that this action was brought to foreclose a mortgage on certain real

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property situated in the County of Suffolk and State of New York more commonly known as 92 Sunset Road, Bay Shore, New York 11706 and that the whole amount secured by said mortgage is due and payable as computed in the aforesaid Referee's report, and that all of the defendants

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herein have been duly served with the summons and complaint, and upon the entry of default judgment on plaintiff's foreclosure complaint against the defendants, and that none of the

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defendants is an infant, incompetent or absentee,

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"Sale" as herein defined as the foreclosure auction date.

CLH JSC

NOW, on unopposed motion of McCabe, Weisberg & Conway, LLC, attorneys for the plaintiff, it is

ORDERED, ADJUDGED and DECREED, that the report of the Referee, Justin N. Lite, Esq., dated September 10, 2018, by and the same is hereby in all respects ratified and confirmed; and it is further

ORDERED, ADJUDGED and DECREED, that plaintiff is entitled to judgment establishing the validity of said mortgage and that the plaintiff if entitled to recover upon said mortgage herein the sum of $510,635.49, with interest thereon from Thursday, August 2, 2018 to date of the closing of title of the referee's sale of the mortgaged premises, and also any amount paid by plaintiff for local realty taxes, water charges and assessments, hazard and F.H.A. Insurance, and the preservation or protection of the property; and it further

ORDERED, ADJUDGED and DECREED, that said premises affected by said mortgage set forth in the complaint herein and hereinafter set forth, constituting one parcel to be

CLH JSC

sold in one parcel at public auction, at ISLIP TOWN HALL ~~655 MAIN STREET~~ ISLIP, NY 11751, within 90 days of the date of the judgment pursuant to RPAPL 1351-1, which, at the discretion of the court, shall be deemed the date of entry

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provided in Section 3003 (b) of the Civil Practice Law and Rules.

Second: He shall pay all local realty taxes, water rates and assessments which are or shall become liens on said premises to the date of sale, and redeem any such liens that may be sold.

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Third: He shall pay the advertising and posting expenses shown by the bills presented and certified by said Referee to be corrected.

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Fourth: He shall pay to the plaintiff or plaintiff's attorney the sum of $ 2,475.90 computed by _____ adjudged to plaintiff for the costs and disbursements of this action, to be ~~taxed and asserted by the Clerk of the Court~~ the County Clerk and an additional allowance of $ 300.00 awarded to plaintiff or plaintiff's attorney, in addition to costs with interest thereon, and an amount of $ 1680.00 to plaintiff's attorneys for reasonable attorneys' fees as provided in the note and mortgage, and also the sum of the amount reported due as aforesaid, together with interest thereon from to the date of the closing of title of the referee's sale of the mortgaged premises, and also any amounts paid by plaintiff for any hazard and F.H.A. Insurance, or the preservation of the property and, unless the premises are sold thereto, any payments necessary to satisfy all local realty taxes, water and other municipal charges and assessments, and that he take a receipt or affidavit thereof and file it with his report of sale.

CRH JSC

Fifth: He shall, within five days after the same shall be received and be ascertainable, place on deposit with the ~~Clerk~~ Comptroller of the County of the surplus money, if any, to the credit of this action, to be withdrawn only on an order of this Court signed by a Justice of this Court;

CRH JSC

ORDERED, ADJUDGED and DECREED, that said Referee make a report of sale and file it with the Clerk of the County of Suffolk within 30 days of completing the sale and

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effecting the proper conveyance to the purchasers; and that the purchaser or purchasers at such sale be forthwith let into possession on production of the Referee's Deed;

(ORDERED) that in the event there is a third-party sale, plaintiff

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ORDERED, ADJUDGED and DECREED, that in case the plaintiff shall become the purchaser of the Premises directed to be sold at an amount equal to or less than the amount due under this judgment with costs, allowance and expenses, the payment by the plaintiff to said Referee of the sum bid by it for said Premises or any part thereof, is hereby dispensed with, and that the plaintiff shall be given due credit and allowance by said Referee for the amount due, and that plaintiff before the delivery of the deed to it, shall pay the fee of the Referee and the expenses of sale and costs and allowance, all as provided for above, and all local realty taxes, assessments and water rents which may be a lien upon said Premises at the time of such sale, unless the Premises are sold subject thereto; and it further

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ORDERED, ADJUDGED and DECREED, that each and all of the defendants in this action, and also all persons claiming under them or any of them, after the filing of a notice of pendency of action, be and same hereby are forever barred and foreclosed of all right, claim, lien, title, interest and equity of redemption in said premises and every part thereof, except nothing herein shall bar any right of the United States of America to redeem as provided in Title 28 of the United States Code, Section 2410; and it further

ORDERED, ADJUDGED and DECREED, that in the event that the plaintiff shall elect to accept a purchase money mortgage from any purchaser or purchasers at such sale, the amount thereof shall be credited against the amount due the plaintiff under this judgment, and that the purchaser, or purchasers, shall not be required to pay the same in cash, but shall be credited upon its bid with such amount, and that the Referee take plaintiff's receipt for such

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under the direction of Justin N. Lite, Referee, and that said Referee give public notice of the time and place of sale according to law and the rules and practice of this Court by publishing the notice of sale in the Islip News 1 Brookside Drive, Po Box 805 Smithtown, NY 11787 and that plaintiff on such sale, or any other party to this action, may become purchaser, the payment of all taxes, transfer fees and costs, including New York State and local Transfer taxes and the cost of the deed stamps to be attached to the Referee's Deed shall be paid by the Purchaser. Any and all maintenance fees and assessments, taxes, water rates, and any fees associated with the transfer of title for the subject premises accrued from the Sale date forward are the obligation of the purchaser; and that said Referee shall sell and convey said premises subject to the following:

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1,2,3. Any state of fact which would be shown by an accurate survey, covenants, restrictions, easements, agreements and reservations, if any, or record , and to any violations thereof, building and zoning regulations, restrictions and ordinances of the municipality in which said premises are situated, and any violations of the same provided they do not render title marketable; and

4. Orders or requirements issued by any governmental body having jurisdiction against or affecting said premises; and

5. The Right, if any, of the United States of America to redeem the premises; and

6. The physical condition of any building or structure on the premises as of the date of sale hereunder; and

7. Any prior outstanding mortgages or liens that may exist on the subject premises.

ORDERED, ADJUDGED AND DECREED, that the referee deposit the proceeds of sale as referee in any ~~of the following banks: Capital one, Suffolk County National Bank; Bank of Smithtown; State Bank of Long Island or First National Bank of Long Island~~ bank insured by FDIC and pay:

First: He shall pay a sum not exceeding $500.00 for said Referee's fees as

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TITLE [redacted] / REFERRAL FILE [redacted]

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HAIL ABSTRACT CORP.

SCHEDULE A

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ALL that certain lots, pieces or parcels of land, situate, lying and being at Bay Shore, in the Town of Islip, County of Suffolk and State of New York, known and designated as Lot Nos. 141 to 143 inclusive, on a certain map entitled "Map of Lawrence Farm Section 1", and filed in the Office of the Clerk of the County of Suffolk on 4/28/23 as Map No. 776, said lots when taken together are more particularly bounded and described as follows:

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BEGINNING at a point on the westerly side of Sunset Road at the easterly end of a tie line bearing south 75° 49' east 25.00 feet connecting the westerly line of Sunset Boulevard with the southerly side of C.R. 50 Union Street (Boulevard) (Community Road) as widened;

RUNNING THENCE from said point or place of beginning along the westerly side of Sunset Road south 45° 49' east 32.00 feet to the division line between lots 143 and 144;

RUNNING THENCE along said division line south 44° 11' west 150.00 feet;

RUNNING THENCE north 45° 49' west 113.42 feet to the southerly side of C.R. 50 Union Street (Boulevard) (Community Road);

RUNNING THENCE along the southerly side of C.R. 50 Union Street (Boulevard) (Community Road) as widened the following three courses and distances:

1) North 44° 11' east 20.70 feet;

2) North 66° 23' east 56.68 feet;

3) Easterly along the arc of a curve have a radius of 1191.42 feet a distance of 73.10 feet to the westerly end of the tie line first above mentioned;

RUNNING THENCE along said tie line south 75° 49' east 25.00 feet to the westerly line of Sunset Road at the point or place of BEGINNING.

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and [illegible] as to the sale.

~~ORDERED, ADJUDGED AND DECREED~~, ~~that to ensure that the Foreclosure~~

~~Action Surplus Monies Form was timely filed and any surplus funds appropriately deposited, a~~

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~~conference will be scheduled within 90 days from the date of this Order. If the form has been~~

~~timely filed with this Court and the Clerk's Office, a conference will not be scheduled; and it is~~

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~~further~~

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~~ORDERED~~ that the plaintiff serve the notice of the foreclosure sale and any adjournments **upon** the Supreme Court Calendar Clerk; and it is further

ORDERED that the referee complete and file the Foreclosure Action Surplus Monies form **with** the Supreme Court Calendar Clerk and the Suffolk County Clerk within Thirty (30) days of the **foreclosure** sale; and it is further

ORDERED that the referee submit proof of deposit of any surplus monies with the County ~~Treasurer~~, with the Supreme Court Calendar Clerk and the Suffolk County Clerk within Thirty (30) days of the date of closing title.

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ORDERED, ADJUDGED and DECREED, that by accepting this appointment the referee certifies that he is in compliance with Part 36 of the Rules of the Chief Judge (22NYCRR Part 36), including, but not limited to, section 36.2(c) ("Disqualifications from appointment"), and section 36.2(d) ("Limitations on appointments based upon compensation").

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THAT a particular description of said premises described in said mortgage and to be sold by said referee is as follows:

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Dated: December 12, 2018

ENTER

C. Randall Hinrichs

HON. C RANDALL HINRICHS
J.S.C.

GRANTED
DEC 12 2018
JUDITH A. PASCALE
Clerk of Suffolk County

Judith A. Pascale

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JUDITH A. PASCALE
SUFFOLK COUNTY CLERK

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FOR

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SUPREME COURT THE STATE OF NEW YORK:
COUNTY OF SUFFOLK

----------X

SUNWEST MORTGAGE COMPANY, INC., Index No: 065890/14

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Plaintiff.

COSTS OF PLAINTIFF

-against-

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PUBLIC ADMINISTRATOR OF SUFFOLK COUNTY AS ADMINISTRATOR OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER
ROBERT GOLDER, JR. AS HEIR AT LAW, NEXT OF KIN AND DISTRIBUTEE OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER
JONATHAN GOLDER AS HEIR AT LAW, NEXT OF KIN AND DISTRIBUTEE OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER
FRANK GOLDER AS HEIR AT LAW, NEXT OF KIN AND DISTRIBUTEE OF THE ESTATE OF ROBERT RUSSELL GOLDER, SR. A/K/A ROBERT R. GOLDER, SR. A/K/A ROBERT R. GOLDER104
SECRETARY OF HOUSING AND URBAN DEVELOPMENT
INTERNAL REVENUE SERVICE-UNITED STATES OF AMERICA
NEW YORK STATE DEPARTMENT OF TAXATION AND FINANCE- TAX COMPLIANCE DIVISION- C.O.-ATC,

COST TAXED AT $ 2475.90
TIME _____ DAY OF _____

JAN - 8 2019

JUDITH A. PASCALE
CLERK OF SUFFOLK COUNTY

Defendants.

----------X

COSTS		DISBURSEMENTS	
Costs before note of issue		Fee for Index Number *CPLR §8018(a)*	$420.00
S&C, LP Fee	$200.00	*Clerk's fee for filing notice of pend. or attach*	
CPLR §8201 subd. 1		*CPLR §8018(c) §8021(A)12*	
Allowance by statute			
CPLR §8302(a)(b)			
Title Fee)			
Percentage on $200.00 at 10%	$20.00	*Paid for Searches CPLR §8301(a)10*	$425.00
(not exceeding $200.00)			
Svc Fee)	$40.00	*Serving copy of summons & complaint*	$795.90
Additional $800.00 at 5%		*CPLR §8011(c)1 §8301(d)*	

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(not exceeding $800.00)			
Additional $2000.00 at 2%	$40.00	Request for Judicial Intervention	$95.00
Ref Fee)			
(Not exceeding $2000.00)			
Additional $5000.00 at 1%	$50.00	*Paid Referee's Report CPLR §8301(a)12*	$250.00
(not exceeding	$50.00	Motion Costs	$90.00
$5,000.00)			
Allowance by statute			
CPLR §8302(d)			
COSTS	$400.00		$2,075.90
Total)			
DISBURSEMENTS	$2,075.90		
TOTAL	$2,475.90		

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STATE OF NEW YORK, COUNTY OF NEW YORK SS. *ATTORNEY'S AFFIRMATION*

The undersigned, an attorney admitted to practice in the courts of this state, affirms: that he is an associate with the firm McCabe, Weisberg & Conway, LLC, the attorney(s) of record for the plaintiff in the above entitled action; that the foregoing disbursements have been or will necessarily be made or incurred in this action and are reasonable in amount and that copies of documents or papers as charged herein were actually and necessarily obtained for use.

The undersigned affirms that the foregoing statements are true, under the penalties of perjury.

Dated: September 25, 2018

Deana Cheli, ESQ.

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SUFFOLK COUNTY CLER